IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.866 OF 2004

Deshbakta Ratnappanna Kumbhar .. Petitioner.
Vs.
M/s.Basavanappa Gurusidhappa
Gadve and Sons & Anr. .. Respondents.

Mr.V.B.Naik for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 20TH SEPTEMBER, 2004

P.C.:

. Heard Mr.Naik, learned counsel for the petitioner.

2. This petition is directed against the order dated 4.1.2001 passed by the Second Joint Civil Judge, Senior Division, Kolhapur below Exhibit-123 in special Civil Suit No.2/1987 filed under Order 1 Rule 8 and Order 22 Rule 3 of the Code of Civil Procedure by which the said application has been allowed and the brother of deceased-plaintiff Basavanappa Gadve, namely, Anil Basavanappa Gadve has been allowed to be substituted as legal heir in the suit. By allowing the application for bringing Anil Gadve on record as legal representative of the

deceased-partner would not mean or be construed as an admission by the petitioner of his (Anil Gadve) legal rights in the suit. It is open for the petitioner to raise all the contentions at an appropriate stage in the proceedings. No case for interference is made out in the impugned order. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)